THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.809 of 2007

Dated: 19.01.2007

Between:

Burra Anuradha and others.

..... PETITIONERS

AND

The Government of Andhra Pradesh, rep.by its Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.809 of 2007

ORDER:

The petitioners purchased land (house sites) in T.S.No.138/1(old) 138/4 (new), Patta No.54, Block No.11(old) 16(new), Ward No.2 of Kakinada Suryaraopet Village from Sri Sigala Samba Murty. The petitioners raised fencing by erecting cement poles and also paid taxes for fasilis 1403 to 1409 as alleged in the writ petition. It is further alleged that when some of the persons applied for grant of house sites, fourth respondent, namely, the Mandal Revenue Officer(MRO), rejected the applications stating that the land in T.S.No.138/1 is a private patta land, and in spite of the same, the subordinates of the respondents took measurements on 05.01.2007. Therefore, they filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from their respective plots as illegal and arbitrary.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-A), this Court is of the considered opinion that the writ petition is filed without any basis and on mere apprehension. Para 15 of the writ affidavit is extracted hereunder.

> It is humbly submitted that the petitioners and other purchasers have been in possession and enjoyment of the respective sites purchased by them in their own right, title and interest of the property. The subordinates of the respondents came to our land on 05.01.2007 and trying to take measurements of the same. Thereupon, we raised our objections as to why they are taking measurements without giving any notice and also the reasons. But they refused to give any reply except saying that they are directed to do so. Being the lawful owners, we are entitled to a notice enabling us to raise our objections. No notice is given so far, till today. If at all the respondents want to take possession of the land, they have to follow due process of law under Land Acquisition Act so as to enable us to raise our objections.

A bare perusal of the above pleading would show that there is not even a whisper that the respondents tried to interfere with the possession or dispossessed the petitioners from their plots. Except stating that the subordinates of the respondents tried to take measurements, no cause of action is shown for seeking redressal as prayed for. However, it may be observed that if the petitioners are in possession of the land, which is a patta land, they cannot be

dispossessed without due process of law. Further it may be observed that if there is any threat of dispossession from the private parties, the petitioners have to seek a remedy in the Civil Court.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

19th January, 2007
ghn